Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

WRIT PETITION NO. 4187/2004

PETITIONER : Minaxi Banjari, W/o. Anirudh Banjari, Aged about 40 years, R/o. Kumharpara, Jarhabhata, Bilaspur, Tahsil & District Bilaspur (C.G.)

P.R. No. 41 7/3/04
Presented by Shri O.P. Yadav
dated 8/3/04

VERSUS

RESPONDENTS : 1) Municipal Corporation Bilaspur, Through Commissioner, Municipal Corporation, Bilaspur (C.G.)

WRIT PETITION U/A.227 OF THE CONSTITUTION OF INDIA

(16)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 418/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	03.01.2005 Shri S.C. Verma, counsel for the petitioner. Heard on the question of admission. The petitioner has preferred this writ petition under Article 227 of the Constitution of India questioning the legality, proprietary and correctness of the order dated 4.8.2004 passed by learned 3rd Civil Judge Class-II, Bilapur whereby learned Civil Judge has rejected the application of the petitioner filed under Section 151 of C.P.C. I have perused the impugned order. Perusal of impugned order reveals that similar application was rejected by the court below on 3.11.2003 on the ground that only relief sought for in the suit was that respondent-Municipal Corporation be restrained from approving the map filed by defendant No.2, no relief was sought that respondents be restrained from raising any construction over the suit land. Having heard learned counsel for the petitioner and having perused the impugned order, I am of the opinion, that the court below has not committed any illegality in passing the impugned order, as no relief was sought in the suit for restraining any party from raising construction and maintaining status quo. Therefore, the petition is liable to be dismissed and it is, accordingly, dismissed at the admission stage itself. However, it is made clear that the petitioner will not be precluded if he moves any application in accordance with law. **Sd/-** **L.C.BHADOO** **Judge**	